HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE G. BHAVANI PRASAD

Writ Petition No.5367 of 2005

Between:

Toddy Tappers Co-operative Society,
Amberpet No.1, Hyderabad & others. … Petitioners.

AND

Government of Andhra Pradesh, represented
by Special Chief Secretary to Government,
Revenue (Excise –II) Department, Hyderabad
and others. … Respondents.

:: O R D E R ::

Counsel for the Petitioners : Shri P.Kamalakar

Counsel for the Respondents : Sri A. Satya Prasad, Special Government Pleader

8th MARCH 2006

Per G.S. Singhvi, C.J.

This is a petition for grant of a declaration that action of the respondents in preventing the petitioners from carrying on their business during the Excise Year 2004-05 is illegal and void. The further prayer made in the writ petition is to declare that the Excise (Toddy) Policy published in G.O.Ms.No.767, Revenue (Excise-II) Department, dated 29-9-2004 does not apply to the petitioners

Arguments in this case were heard with Writ Appeal Nos.2015

and 2022 of 2004.

By a separate judgment, the aforementioned writ appeals have been allowed. The operative part of that judgment reads as under:

> "In the result, the appeals are allowed. The order of the learned Single Judge is set aside. The respondents are directed not to interfere with the right of the appellants to carry on their business of selling toddy in accordance with the licences granted by the competent authority under Rule 3(2) of the Toddy Rules. However, it is made clear that this order shall not preclude the competent authority from taking action in accordance with Section 31 of the Act if any such contingency arises or withdraw the licence by exercise power under Section 32 of the Act. At the same time, we make it clear that this observation shall not be taken as an authority for cancelling the licences granted to the appellants without any rhyme or reason."

Learned counsel for the parties agree that the issue raised in the writ petition is identical to the one raised in Writ Appeal Nos.2015 and 2022 of 2004.

In view of the above, the writ petition is allowed in similar terms with the direction that the detailed reasons recorded in the judgment passed in Writ Appeal Nos.2015 and 2022 of 2004 shall be read as part of this order.

G.S. SINGHVI, C.J.

8th March, 2006

G. BHAVANI PRASAD, J.

ARS